

REMARKS

Claims 1 to 3, 5, and 7 to 11, as amended, remain in the case.

1. Claims 9 and 10 were objected to under 37 CFR 1.75 as substantial duplicates of claims 4 and 6. Claims 4 and 6 have been canceled rendering the objection moot.

2. Claims 3 and 11 were rejected under 35 USC 112, second paragraph, as indefinite. Those claims have been changed in a sincere attempt to overcome the rejection.

Claim 3 is amended to clarify that the noble metal loaded on the heat-resistant inorganic oxide of claim 1 is selected from the group consisting of Pt, Pd, and Rh. Thus, the noble metals recited in claim 3 are clearly species of the noble metal of claim 1.

Claim 11 is said to lack sufficient antecedent basis for the phrase "the heat-resistant inorganic material" in line 3. Claim 11 defines one of three locations where the "anchor" substance can be located. Claim 9 places the substance in the carrier, claim 10 places the substance between the carrier and the catalyst layer, and claim 11 places the substance in the heat-resistant inorganic oxide. Claim 1 (from which claim 11

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depends) states that the catalyst body is to contain "a heat-resistant inorganic oxide" and claim 11 has been amended to provide direct literal support for the terms in claims 1 and 11.

If the Examiner, after considering the claim changes and the explanations thereof, believes that other language is preferred, she is asked to contact the undersigned to discuss the matter.

3. Claims 1 to 11 were rejected under 35 USC 103(a) as unpatentable over Lindner et al. '430 "taken together with" Deeba et al. '910. The rejection is traversed.

The Examiner is referred to the Amendment filed June 27, 2003, particularly the detailed argument at pages 7 to 19 for applicants' arguments for patentability; those arguments are sound ones. Applicants respectfully submit that the references in combination do not properly teach or suggest the invention as claimed herein; the comments at pages 7 to 19 establish why the claims are patentable.

The three matters mentioned in the "Response to Amendment" section of the Final Rejection are noted and applicants address each one below. The Examiner admits at page 5, line 1 of the present Office Action that Lindner et al. '430 "does not

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disclose alkali metal." There is no proper reason to look to the teachings of Deeba et al. '910 and conclude that alkali metal could or should be used in the Lindner et al. '430 construction for the reasons already of record. Comparative tests are discussed in the last reply and it is respectfully submitted that it is improper to state that those comparisons are not proper because they, to the extent they relate to the instantly claimed invention, represent that which results by the improper combination of Lindner et al. '430 and Deeba et al. '910. The person of ordinary skill in the art would have no motivation to combine the teachings of Lindner et al. '430 and Deeba et al. '910 to solve the prior art problems mentioned in paragraph [003] bridging pages 1 and 2 of the specification. Neither reference discusses the problems caused by the use of alkali metals as NO<sub>x</sub> adsorbents, which problems are solved by the present invention. There are also major differences in catalytic mechanism, function, and operation between a ternary catalyst and an NO<sub>x</sub> adsorption catalyst.

If no alkali metal is disclosed in the primary reference (as the Examiner admits), why would the person of ordinary skill in the art have any reason to look to that reference in an

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effort to solve the corrosion and/or deterioration problems caused by the presence of alkali metals in NO<sub>x</sub> adsorption catalysts? The secondary reference does not discuss alkali metals and an anchor material therefor, or as described in claim 1 "a substance capable of reacting with the alkali metal, dominating over reaction between main components of the carrier and the alkali metal." The justification for the rejection given in the first three paragraphs of page 5 of the Office Action establishes that the Examiner is looking improperly to what is said in applicants' specification (impermissible hindsight) rather than to what the reference themselves say.

The argument directed to the "optional" use of an alkali metal in Deeba et al. '910 is used to advance applicants' position that the subjects matter of the two references are sufficiently unrelated that one, absent the hindsight provided by applicants' specification, would have no reason or desire to combine them. If an alkali metal is an optional component in Deeba et al. '910, then clearly the reference is not directed to dealing with problems that are caused by the presence of an alkali metal.

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Applicants again respectfully submit that the systems of Lindner et al. '430 and Deeba et al. '910 are drastically different and merely because the systems are used in exhaust gas catalysts, that characteristic does not justify the instant rejection.

In view of the foregoing revisions and remarks, it is respectfully submitted that claims 1 to 3, 5 and 7 to 11 are in condition for allowance and a USPTO paper to those ends is earnestly solicited.

Applicants point out also there was filed on October 29, 2003 a Petition Under 37 CFR 1.181 to Withdraw Finality of Office Action; to date, no decision on that petition has been received.

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The Examiner is requested to telephone the undersigned if additional changes are required in the case prior to allowance.

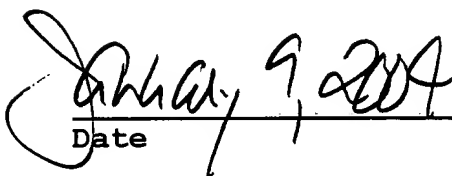
Respectfully submitted,

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